

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Stephen W. Byerly,

Plaintiff,

vs.

JAMES L. DEWEES ET AL.,
Defendant(s).

CASE NO. 1:19-CV-912

JUDGE *OLIVER*

Notice of a Lawsuit and Request to Waive Service of Summons

To: *Defendants*

Why are you getting this?

A lawsuit has been filed against you, in this Court under the number above. A copy of the complaint is attached.

This is not a summons, or an official notice from the Court. It is a request to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver within 30 days from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the Court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent to answer the complaint.

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the Court to require you to pay expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 8-10-2019

Stephen W. Byerly

Waiver of Service of Summons

To: STEPHEN W. BXERLY

I, have received your request to waive service of summons in this action along with a copy of the complaint and two copies of this waiver form and a prepaid means of returning one signed copy of the form to you.

I agree to save the expense of serving a summons and complaint on this case.

I understand that I will keep all defenses and objections to the lawsuit the Court's jurisdiction, and venue of the action, but I waive any objections to the absence of summons or of service.

I understand that I must file and serve an answer on motion under Rule 12 within 60 days or 8-10-2019 the date when this request was sent. If I fail to do so, a default judgment will be entered against me.

Date: _____

(Defendant)

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 pf the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expense of service unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that is has been brought in an improper venue, or that the Court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver forms, serve an answer or motion under Rule 12 on the plaintiff and file a copy with the Court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

S. W. Breckly #A134-590

M.C.I.
P.O. Box 57
Marion, Ohio
43301-0057

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INMATE MAIL
MARION CORRECTIONAL



OFFICE OF THE Clerk
U.S. District Court
2. South Main Street
Akron, Ohio
44308

1:19CV912

44308-1811 C002





9 envelopes
5-14-19

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

